

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL Submit an original, and a duplicate for fee processing. (Only for Continuation or Divisional applications under 37 CFR 1.53(d))		CHECK BOX, if applicable: <input type="checkbox"/> DUPLICATE
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Address to:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Attorney Docket No. of Prior Application	102258.346
First Named Inventor	Garvey
Examiner Name	B. Celsa
Group Art Unit	1627
Express Mail Label No.	

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA)) of prior application number 09 / 478,222,
filed on 01-05-2000, entitled Methods for Treating Human Impotence with Nitric Oxide Donor...

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

 - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
 - ☒ PTO-1449
 - ☒ Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))	8	-20* =	0	x \$ _____ =	\$ 0
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	2	-3** =	0	x \$ _____ =	0
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ _____ =	0
				BASIC FEE (37 CFR 1.16)	740
				Total of above Calculations =	740
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					370
* <i>Reissue claims in excess of 20 and over original patent.</i> ** <i>Reissue independent claims over original patent.</i>				TOTAL =	370

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 08 - 0219:a. ☒ Fees required under 37 CFR 1.16.b. ☒ Fees required under 37 CFR 1.17.c. ☒ Fees required under 37 CFR 1.18.8. ☐ A check in the amount of \$ _____ is enclosed.9. ☐ Payment by credit card. Form PTO-2038 is attached.10. ☒ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of 3 months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.11. ☐ New Attorney Docket Number, if desired _____
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)13. ☐ Other: _____**NOTE:**

The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS☒ Customer Number or Bar Code Label

(Insert Customer No. 25270 bar code label here)

or ☐ New correspondence address below

Name

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PATENT, TRADEMARK OFFICE

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20004

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15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)

Edward D. Grieff

Signature

Registration No. (Attorney/Agent)

38,898

Date

January 10, 2003



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: **Garvey et al**

Application No: **09/478,222**

Group Art Unit: **1627**

Filed: **January 5, 2000**

Examiner: **B. Celsa**

For: **Methods for Treating Human Impotence with Nitric Oxide Donor Compounds**

Attorney Docket No: **102258.346**

ATTN: BOX CPA

Assistant Commissioner of Patents
Washington, DC 20231

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PRELIMINARY AMENDMENT

This Preliminary Amendment is being filed concurrently with a Continued Prosecution Application (CPA) Request Transmittal based on the above-referenced application.

The Preliminary Amendment in responsive to the Final Office Action dated January 22, 2002, for which a response was due on or before June 24, 2002 (June 22, 2002 being a Saturday). A Notice of Appeal and Petition for Extension of Time were filed on June 24, 2002, for which a response is due on or before January 24, 2003, along with a Petition and fee for a 5 month extension of time.

The Commissioner is authorized to charge the fee of \$980 for the five month extension of time and the fee of \$130 for suspending prosecution in the present application for a period of three months to Deposit Account No. 08-0219, and to charge any other necessary fees or credit any overpayments to Deposit Account No. 08-0219.

The Applicants, Dr. Iyengar and Mr. Grieff thank Examiner Celsa for the courtesy and help he extended during the interview on May 15, 2002.

Please amend the above application as follows

03/10/2003 TSUGGS 00000002 080219 09478222

01 FC:2255 980.00 CH
02 FC:1808 130.00 CH